

## PROFESSIONAL LICENSURE [645]

### Pre- Notice of Intended Action

Pursuant to the authority of Iowa Code sections 147.7, 147.76 and 157.14, the Board of Cosmetology Arts and Sciences hereby gives Pre-Notice of Intended Action to amend Chapter 64, “Continuing Education for Cosmetology Arts and Sciences”, Iowa Administrative Code.

These amendments update language to reflect Iowa Code and current practices related to continuing education. These amendments also reduce the required number of continuing education hours from eight (8) hours to six (6) hours each biennium.

Any interested person may make written comment on the proposed amendments no later than February 13, 2017, addressed to Venus Vendoures Walsh, Professional Licensure Division, Department of Public health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail Venus.Vendoures-Walsh@idph.iowa.gov.

A waiver provision is not included in this rulemaking because all administrative rules of the professional licensure boards in the Division of Professional Licensure are subject to the waiver provisions accorded under 645- Chapter 18.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapters 147, 157 and 272C.

The following amendments are proposed.

Item 1. Amend rule 645-64.1(157) as follows.

**645—64.1(157) Definitions.** For the purpose of these rules, the following definitions shall apply:

“*Active license*” means a license that is current and has not expired.

“*Approved program/activity*” means a continuing education program/activity meeting the standards set forth in these rules.

“*Audit*” means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

“*Board*” means the board of cosmetology arts and sciences.

“*Continuing education*” means planned, organized learning acts acquired during licensure designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

“*Hour of continuing education*” means at least 50 minutes spent by a licensee ~~in actual attendance at and completion of~~ completing an approved continuing education activity.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“*Independent study*” means a subject/program/activity that a person pursues autonomously that meets standards for approval criteria in the rules and includes a posttest.

“*License*” means ~~license~~ authorized to practice.

“*Licensee*” means any person or entity ~~licensed-authorized~~ to practice pursuant to Iowa Code chapter 157 and 645—Chapters 60 to 65, Iowa Administrative Code.

“*Prescribed practice*” means an area of specialty within the scope of cosmetology arts and sciences.

ITEM 2. Amend rule **64.2** as follows.

**645—64.2(157) Continuing education requirements.**

**64.2(1)** The biennial continuing education compliance period shall begin on April 1 of one year and end on March 31 two years later.

~~**64.2(2)** Beginning April 1, 2008, a license that is renewed on April 1, 2008, that was originally scheduled to be renewed one year later as described in 645—paragraph 60.8(1) “b” shall not be required to meet continuing education requirements until April 1, 2010. This extension does not apply to a license(s) originally due for renewal on April 1, 2008.~~

**64.2(32)** Each biennium:

a. A licensee in this state shall be required to complete a minimum of ~~86~~ 86 hours of continuing education that meets the requirements of rule 645—64.3(157,272C). A minimum of 4 hours of

the 86 hours shall be in the prescribed practice discipline and a minimum of 2 hours of the 86 hours shall be in the content areas of Iowa cosmetology law and rules and sanitation. Individuals holding more than one active license shall obtain 4 hours of continuing education in each prescribed practice discipline and an additional 2 hours in the content areas of Iowa cosmetology law and rules and sanitation.

b. A licensee who is an instructor of cosmetology arts and sciences shall obtain 86 hours in teaching methodology in addition to meeting all continuing education requirements for renewal of the instructor's practice license. A licensee must comply with all conditions of licensure including obtaining a minimum of 2 hours each biennium specific to Iowa cosmetology law and administrative rules as specified in subrule 64.3(2), paragraph "i."

c. A licensee currently licensed in Iowa but practicing exclusively in another state may comply with Iowa continuing education requirements for license renewal by meeting the continuing education requirements of the state or states where the licensee practices. The licensee living and practicing in a state which has no continuing education requirement for renewal of a license shall not be required to meet Iowa's continuing education requirement but shall pay all renewal fees when due.

d. A licensee shall be deemed to have complied with the continuing education requirements of this state during periods that the licensee

(1) serves honorably on active duty in the military services, or

(2) is the spouse of an active duty military service person, or

(3) for periods that the person is a government employee working in the person's licensed specialty and assigned to duty outside of the United States, or

(4) for other periods of active practice and absence from the state approved by the Board.

**64.2(43)** Requirements of new licensees. Those persons licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used.

**64.2(54)** Hours of continuing education credit may be obtained by attending and participating in a continuing education activity. These hours must be in accordance with these rules.

**64.2(67)** No hours of continuing education shall be carried over into the next biennium. A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.

**64.2(76)** It is the responsibility of each licensee to finance the cost of continuing education.

ITEM 3. Amend subrule 64.3(2) as follows:

**64.3(2) *Specific criteria.*** A licensee shall obtain a minimum of 6 hours of continuing education credit every two years. A minimum of 4 hours of the 6 hours of continuing education in each prescribed practice discipline. A maximum of 2 hours may be independent study. The licensee may obtain continuing education hours of credit by:

*a.* ~~Continuing education hours of credit may be obtained by attending continuing education activities.~~ Attending workshops, conferences or symposiums.

*b.* ~~The licensee may attend programs on product knowledge, methods, and systems. Continuing education shall be directly related to the technique and theory specific to the practice of cosmetology arts and sciences. Business classes specific to owning or managing a salon are acceptable. No direct selling of products is allowed as part of a continuing education offering.~~ Accessing online training, such as viewing interactive conferences, attending webinars, or completing online training courses.

*c.* ~~Excluded content areas for continuing education include, but are not limited to, any program or training that is outside the scope of practice in accordance with the definitions found in Iowa Code section 157.1 or that does not enhance professional competency relating to the practice discipline. Bloodletting, cupping and ear candling are excluded content areas.~~ The licensee may attend programs on product knowledge, methods and systems. Continuing education shall be directly related to the technique and theory specific to the practice of cosmetology arts and sciences. No direct selling of products is allowed as part of a continuing education offering.

*d.* ~~The licensee may participate in independent study as defined in 645—64.1(157). A maximum of two hours of independent study per biennium will be allowed. Independent study must be related to either Iowa cosmetology law and administrative rules or sanitation.~~ Business classes specific to owning or managing a salon are acceptable.

*e.* ~~In addition to fulfilling the requirements in 64.2(1), those persons holding an instructor's license must complete a minimum of eight hours of continuing education approved by the board in the area of teaching methodology. The licensee may participate in independent study as defined in 645-64.1(157). A maximum of two hours of independent study per biennium will be allowed. Independent study must be related to either Iowa cosmetology law and administrative rules or sanitation.~~

*f.* ~~The licensee shall obtain at least four hours in each area of prescribed practice for each cosmetology license held. Licensed electrologists in Iowa may obtain all practice discipline hours of continuing education online, through independent study or a combination thereof.~~

*g.* ~~Continuing education shall be obtained by attending programs that meet the criteria in subrule 64.3(1) and are approved or offered by the following organizations. Other individuals or groups may offer through one of the organizations listed in this paragraph continuing education programs that meet the criteria in rule 645—64.3(157,272C). In addition to fulfilling the requirements in 64.2(1), those persons holding an instructor's license must complete a minimum of six hours of continuing education approved by the board in the area of teaching methodology.~~

~~(1) National, state or local associations of cosmetology arts and sciences;~~

~~(2) Schools and institutes of cosmetology arts and sciences;~~

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~~(3) Universities, colleges or community colleges;~~

~~(4) National, state or local associations of barbers;~~

~~(5) Barber schools or institutes;~~

~~(6) Manufacturers of laser or microdermabrasion products;~~

~~(7) Institutes of laser technology.~~

*h.* Two hours of continuing education per biennium must be specific to Iowa cosmetology law and administrative rules.

*i.* ~~A licensee who is a presenter of a continuing education program that meets criteria in 645—64.3(157,272C) may receive credit once per biennium for the initial presentation of the program. The licensee may receive the same number of hours granted the attendees. The licensee shall obtain at least four hours in each area of prescribed practice for each cosmetology arts and sciences license held.~~

64.3(4) Continuing education shall be obtained by attending programs that meet the criteria in subrule 64.3(1) and

a. Approved in advance of delivery or

b. Offered by the following organization (s).

(1) National, state or local associations of cosmetology arts and sciences;

(2) Schools and institutes of cosmetology arts and sciences;

(3) Universities, colleges or community colleges;

(4) National, state or local associations of barbers;

(5) Barber schools or institutes;

(6) Manufacturers of laser or microdermabrasion products;

(7) Institutes of laser technology.

c. Individuals or groups may offer continuing education programs that meet the criteria in rule 645-64.3(157, 272C) with express sponsorship by one of the organizations listed in this paragraph.

d. A licensee who is a presenter of a continuing education program that meets criteria in 645—64.3(157,272C) may receive credit once per biennium for the initial presentation of the program. The licensee may receive the same number of hours granted the attendees.